

REMARKS

The Office Action of November 18, 2008, has been carefully studied. Claims 17-21, 31 and 32 currently appear in this application. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration and formal allowance of the claims.

Foreign Priority

Submitted herewith is an English translation of the priority papers for the instant application. The Examiner notes that if the requested documents are submitted, the 102(a) rejection may be withdrawn.

Claim Amendments

Claim 22 has been cancelled. Claim 32 has been amended to recite that the thickness of the electrostatic layer is 1 nm to 500 microns. Support for this amendment can be found in the specification as filed at page 14, lines 13-14.

Priority

Submitted herewith is an English translation of the certified copy of the priority document.

Art Rejections

Claims 17-20 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Consolandi et al., *Nucleotides and Nucleic Acids*, 2002, **21**: 561-580. Submitted herewith is a description of the journal *Nucleoside, Nucleotides & Nucleic Acids* that indicates that the journal is published 12 times a year. Accordingly, Volume 21, numbers 8 & 9 was published in August and September of 2002.

This rejection is respectfully traversed. As noted above, an English translation of the priority papers is submitted herewith, thus perfecting a claim to priority July 17, 2002. Therefore, Consolandi is no longer a valid reference.

Claims 17-20, 22 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao et al., WO 2003/020426, filed August 28, 2002, in view of Mirus et al., WO 01/02538.

This rejection is respectfully traversed. As the present application claims priority from July 17, 2002, the present application's filing date predates the filing date of Mao, and therefore Mao is no longer a reference. As Mirus merely teaches that a nucleic acid molecule bonded covalently to a chemically modifying layer and immobilizing nucleic acid as a spot were known in the art at the time of the claimed

invention, it is respectfully submitted that Mirus does not render the present claims obvious.

Claims 17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao in view of Mirus and further in view of Woo et al., US 5,929,194.

This rejection is respectfully traversed. As noted above, Mao is not a valid reference. Mirus merely teaches that a nucleic acid molecule bonded covalently to a chemically modifying layer and immobilizing nucleic acid as a spot were known in the art at the time of the claimed invention. Woo merely teaches that coatings with polyarylamide make a support solvent resistant and useful as a fluorescent coating.

Claims 17 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao et al. in view of Mirus and further in view of Bertrand, *Macromol. Rapid Commun.*, 2000, 21: 319-348.

This rejection is respectfully traversed. As noted above, Mao is not a valid reference. Mirus merely teaches that a nucleic acid molecule bonded covalently to a chemically modifying layer and immobilizing nucleic acid as a spot were known in the art at the time of the claimed invention. Bertrand was merely cited for a teaching of a solid support comprising an electrostatic layer wherein the thickness of the layer is from a few angstroms to a micrometer and that the

layer is very stable against mechanical stress or solvents. However, there is nothing in Bertrand that would lead one skilled in the art to an electrostatic layer comprising a positively charged compound on the substrate, a chemically modifying layer on the electrostatic layer making it possible to introduce a functional group capable of covalently binding to a nucleic acid molecules, and a nucleic acid molecule bonded covalently to the chemically modifying layer. In fact, Bertrand at page 541, left column, only discloses that the potential applications include "biosensors," which certainly does not even suggest the type of solid support claimed herein.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

Respectfully submitted,

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